

THE SHEPHERD'S DEFENCE.

A MOTION TO DISCHARGE THE PRISONER DENIED BY THE RECORDER.**To the Effect of Starvation.—The Shepherd's Warm Lunch—Relatives Testifying—How Much Meat there May Be on a Ham Bone.—The Expensive Proprietor of Dried Beans.**

The trial of the Rev. Edward Cowley of the so-called Shepherd's Fold was continued in the General Sessions yesterday. The number of elderly women with lunch baskets and younger women with circulating library novels in their hands that clustered around the wife of the accused clergyman was greater than on any preceding day.

The Rev. Mr. Cowley entered the court room with his lawyer. He seemed to have been benefited by his stay at liberty during the night.

Dr. Edmund C. Spitzka of 130 East Fifth street, who, though still under 30 years of age, won the prize offered in England several years ago for the best essay on the cause of mental alienation, the contest being open to all the world, testified that he had had an extensive experience in cases of extreme emaciation or starvation. He visited St. Luke's Hospital on the 30th ult., and on his opinion as a medical man to Louis Victor's condition. The muscles and tissues of Louis' body and extremities were very much diminished from the normal state, but the abdomen was immensely enlarged, owing to the quantity of food that the hospital authorities had deemed it necessary to give the child to stay his ravenous appetite.

Mr. Phelps showed Dr. Spitzka the photographs of Louis Victor, taken in St. Luke's Hospital on the 30th ult., and representing him as hardly more than a skeleton. Dr. Spitzka said that the photographs faithfully indicated Louis Victor's condition on the 30th ult., except that the boy was then a trifle less skeleton-like than he was when the photographs were taken.

"I now propose, to show your Honor," said Mr. Phelps, "that when you see these photographs, which your Honor admitted in evidence yesterday, to the jury."

Mr. Phelps handed the photographs to the foreman of the jury, and then he gave him a photograph of Louis Victor, taken when he was a robust, bright-eyed boy, in tasteful clothing, taken about the time he was committed to the so-called Shepherd's Fold. The foreman looked gravely at each photograph, and handed it to the second juror. In the way the photograph was taken, it could not be identified. The jurors in the rear row commented freely, in undertones, upon the photographs. The Rev. Mr. Cowley, with his glasses and covering his mouth with his hand, yawned.

"Did you, sir, think, so far as you know, was he prepared for him?"

"No, sir."

Mr. J. P. Ferri, the owner of the house in which the boy is harbored, Mrs. Mason, never saw the food given to the children in the dining room. She had a strong inclination to do so, however, and she learned that Louis Victor was ill, and she sometimes went him to the doctor, and she sent him to Dr. Cowley, his wife, Mrs. Ferri, and the witness had eaten breakfast, when Mr. Cowley would give him food from the dishes remaining on the table.

"In brief, Mrs. Mason," said Mr. Brooke, "what is, in general, the conduct of Mr. and Mrs. Cowley toward Louis Victor and the other children?"

"They acted like parents, sir, just as I do to my own children, then, madam?" was Mr. Phelps' first question.

"Yes, sir, I have five—this is, three are living."

Did you see any other food than the meat, potatoes, bread and butter from Mr. Cowley's own plate? To which Victor replied, "I did not eat any other food."

"I did not eat any other food," he said.

Mr. Phelps asked, "After the photographs were returned to him, did you find any evidence of the existence of rickets in Louis Victor's condition?"

"A rickets, sir, I am afraid, is a congenital disease, and usually displays itself as soon as the child leaves its mother's arms. Rickets leaves unmistakable traces in the bones."

"You now ask, Doctor," Recorder Smyth interposed, "that you were asked to form an opinion as to Louis Victor's condition. What opinion did you give?"

"I told you, sir," the Doctor answered, "that Louis Victor's mental condition was but that of the normal child of his age. He was suffering with the passing intestinal lethargy that every child has, and I told you, sir, that I did not know what I think is the truth."

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